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TAGS: [PHUM](#) [PREL](#) [RP](#)

SUBJECT: MELO COMMISSION REPORT SPARKS NEW EFFORTS AGAINST
KILLINGS

REF: A. MANILA 573

[1](#)B. MANILA 468

[1](#)1. (U) Summary: Lost in much of the media hype about the initial reluctance of Malacanang publicly to release the Melo Commission's report, the strong denials of culpability by the Armed Forces of the Philippines (AFP), and the public criticism by the UN Special Rapporteur on Extrajudicial Killings that the AFP was in a "state of denial" are a series of prompt actions taken by President Arroyo and her government to implement many of the Commission's recommendations. Among these are: issuance of new AFP directive outlining command responsibility; strengthening the Department of Justice's (DOJ) witness protection program; designation of special courts to prosecute these cases; creation of an AFP Human Rights Office; revitalization of a Presidential Human Rights Committee; additional funding for the separate Commission on Human Rights; a formal instruction to the DOJ and Department of National Defense to cooperate with the Commission on Human Rights to constitute a formal new fact-finding body on possible military involvement in these killings and prosecution of any culpable individuals; and, extension of the Commission's mandate. Senior Embassy staff, including Ambassador, will continue our active outreach to senior Philippine officials to underscore USG concern and willingness to help, including with an upcoming seminar and expanded funding for the Commission on Human Rights. End Summary.

Findings

[1](#)2. (U) After weeks of sharp media criticism about lack of access to the report of the Melo Commission on political and journalists' killings, Malacanang Palace released the report publicly on February 22. At the Embassy's request, the Department of Foreign Affairs presented a copy to the Ambassador as well. As Justice Melo had privately briefed Pol/C on February 9 (ref b), the Commission's most significant conclusions included:

- circumstantial evidence links "some elements" of the military to the killings but without sufficient evidence given the lack of witnesses to support successful prosecutions or convictions;
- there is no official or sanctioned policy by the military or its civilian superiors to resort to illegal liquidations;
- there is no definitive accounting of the actual number of killings, but "even one is too many;"
- the killing of journalists is mostly attributable to reprisals from politicians, warlords, or business interests, rather than agents of the government, and prosecutions have been more successful given a greater willingness of witnesses to testify;
- President Arroyo's resolve to stop these killings is

clear from her public statements as well as the creation of Task Force Usig and the Melo Commission itself.

13. (U) The Commission's recommendations included:

- Reiteration by the President in the strongest possible manner of her determination to stop extrajudicial killings;
- Creation of an independent civilian investigative agency, with authority to execute warrants and make arrests, as well as promptly, impartially, and effectively to investigate extrajudicial killings;
- DOJ creation of a special team of well-trained prosecutors to handle extrajudicial killing cases and Supreme Court designation of special courts to try these cases;
- Enhancement of witness protection program so as to guarantee the safety of witnesses to the killings;
- New legislation to require police and military forces and other government officials to maintain strict chain-of-command responsibility for killings and other offenses committed by personnel under their command, control, or authority;
- Enhancement of investigative capabilities of the Philippine National Police and the National Bureau of Investigation; and,
- Proper orientation and training of security forces to make them conscious of command responsibility and its ramifications.

Government responses

15. (U) The Philippine government responded quickly with a series of new initiatives designed to implement many of the key recommendations:

- President Arroyo wrote to Supreme Court Chief Justice Reynato S. Puno on January 31 calling for designation of

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special courts throughout the country to try cases related to the "unabated killings of political activists and members of the media," which the government views "with alarm and concern." Chief Justice Puno on February 15 announced that the Supreme Court would indeed establish special tribunals to conduct swift trials of suspects in extrajudicial killings, that such cases would "go high on the priority list," and that the Supreme Court would be amenable to establishing a reward system to reach faster resolution of the cases;

- Executive Secretary Eduardo Ermita issued a memorandum dated January 31 to the Secretaries of Justice and National Defense conveying the President's instruction for them to "coordinate with the Commission on Human Rights in constituting a Joint Fact-Finding body which will delve deeper into the matter of possible involvement of military personnel in unexplained killings...and prosecute the culpable parties;"

- In a separate memorandum dated January 31, Executive Secretary Ermita conveyed the President's instruction to

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Justice Secretary Gonzalez to "broaden and enhance the Witness Protection Program to cover all witnesses of crimes involving unexplained killings of an ideological or political nature," to which Secretary Gonzalez responded in a February 19 memorandum describing the additional measures the DOJ had already taken to comply;

- In a separate memorandum dated January 31, Executive Secretary Ermita conveyed the President's instruction to

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Defense Secretary Ebdane and AFP Chief of Staff General Esperon to prepare an "updated document on the doctrine of command responsibility," which General Esperon then issued on February 4 to the commanders of all major services, unified commands, AFP-wide support and separate units as well as the Provost Marshal General and subordinate units;

- In a separate memorandum dated January 31, Executive Secretary Ermita conveyed the President's instruction to the

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Foreign Secretary to "submit a formal proposal to the European Union, Kingdom of Spain, Republic of Finland, and Kingdom of Sweden to send investigators to assist the Melo Commission;"

-- In a recent letter to Justice Melo, General Esperon announced the formation of an AFP Human Rights Office effective February 1 to "enhance our advocacy and adherence to, as well as promptly and strictly hold accountable anyone from the AFP who violates human rights," while at the same time reiterating at length the AFP's conclusion that purges by the Communist Party and New People's Army are the "correct, accurate and truthful reasons that explain the rise in extrajudicial killings;"

-- In a February 22 letter to the Ambassador, the newly appointed Executive Director of the Presidential Human Rights Committee, with the rank of Undersecretary in the Office of the President, provided information on a "newly expanded and strengthened Presidential Human Rights Committee," chaired by the Executive Secretary and including the Secretaries of Justice, Foreign Affairs, Education, Interior and Local Government, National Defense, Health, Social Welfare and Development, and Budget and Management as well as the Press Secretary, Director-General of the National Economic

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Development Authority, Chief Presidential Legal Counsel, and the Lead Convenor of the National Anti-Poverty Commission, following the issuance of a December 8, 2006 Administrative Order;

-- Release by President Arroyo on February 21 of an additional 25 million pesos (US\$500,000) to the separate Commission on Human Rights, which CHR staff told Embassy on February 23 will be used to establish barangay (village) human rights centers, a forensic center, expanded information drives, and training; and,

-- In a separate memorandum dated January 31, Executive Secretary Ermita conveyed to Justice Melo the "President's

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desire for the Commission to continue its work and to submit to the President from time to time supplemental reports."

16. (U) Following the UN Special Rapporteur's remarks February 21 (ref a) that the Philippine government was in a "state of denial," President Arroyo stated February 22 that her government took the UN Special Rapporteur's views "constructively." She assured the killings would be resolved and the AFP "shall continue to be a vanguard of freedom."

Embassy actions

17. (U) Ambassador has met in recent days with Foreign Secretary Romulo, National Security Advisor Gonzales, Defense

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Secretary Ebdane, Secretary of Interior and Local Government

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Puno, and General Esperon to reiterate our concern over extrajudicial killings and to urge the Philippine government to take additional steps, such as those recommended by the

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Melo Commission. Embassy is additionally seeking meetings with Chief Justice Puno and Justice Melo to discuss next steps. Pol/C is separately seeking meetings with the Presidential Chief Legal Counsel, the new Presidential Human Rights Committee executive director, the chairman of the Commission on Human Rights, the head of the new AFP Human Rights Office, the new head of Task Force Usig, and the Undersecretary of Defense.

18. (U) Using INL funding, the Embassy's Senior Law

Enforcement Advisor will coordinate a two week training course (bringing one FBI investigator and one DOJ prosecutor to Manila) for forty Philippine trainees, including three investigators and one prosecutor from each of the ten areas with the most extrajudicial killings. DRL had been unable to provide this funding, and Embassy is grateful for INL support for this worthy activity.

19. (U) USAID will be submitting a proposal to include a US\$1 million grant to the Commission on Human Rights out of reprogrammed FY2006 ESF funds, in addition approximately \$500,000 soon to become available from FY07 funds and a projected \$1 million in FY08 funding.

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